

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NOV 20 2018

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 17-965 JB

KIRBY CLEVELAND,

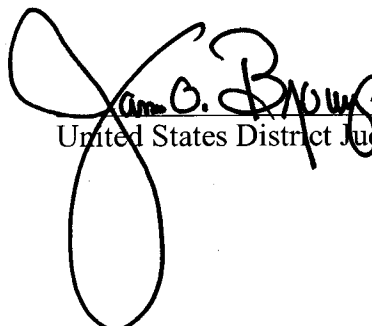
Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO VACATE AND RE-SET MOTIONS
HEARINGS SCHEDULED FOR NOVEMBER 26-28, 2018**

This matter is before the Court on the United States' Unopposed Motion (Doc. 101) to Vacate and Re-set the Motion Hearings Scheduled for November 26-28, 2018 (Doc. 99). The Court being advised that the Motion is unopposed and being otherwise properly advised, finds this Motion is well-taken and should be GRANTED. Accordingly,

IT IS HEREBY ORDERED that the Minute Order (Doc. 99) setting hearings on Defendant's Motion to Dismiss Counts 1 and 5 of the Indictment [Doc. 72], Motion to Strike Notice of Intention to Seek Death Penalty [Doc. 73], Motion to Strike Notice of Intention to Seek Death Penalty [Doc. 74], Motion to Strike Notice of Intent to Seek Death Penalty [Doc. 75], Motion to Dismiss Notice of Intent to Seek the Death Penalty Pursuant to 18 U.S.C. § 3598 [Doc. 77], Motion to Strike Notice of Intent to Seek the Penalty of Death [Doc. 78], Motion to Strike the Notice of Intention to Seek the Death Penalty Because the Federal Death Penalty Act is Unconstitutional Based on the Supreme Courts Decision in Ring and the Fifth and Eighth Amendment to the Constitution [Doc. 80] and Motion to Preclude the Death Penalty as Punishment

[Doc. 81] is VACATED and the hearings on those motions will be set at a later date to be determined by the Court.


United States District Judge

Submitted by:

Electronically filed

Michael D. Murphy
Assistant United States Attorney